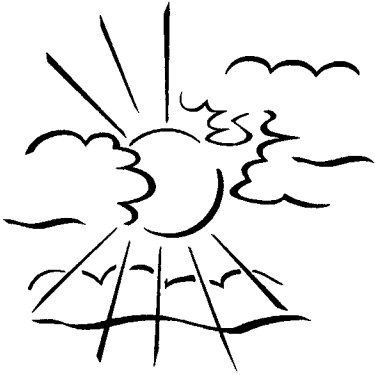


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Articles in Today's Clips

Monday, August 22, 2005

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Foster care program learns lesson too late

Agency failed to adequately check criminal records of providers

The Detroit News Editorial

Monday, August 22, 2005

An audit of the state's foster care program says it does not make sure its workers check the criminal histories of the people with whom it places vulnerable children. The audit also says the agency doesn't conduct periodic updates of its foster parents' criminal records.

The program, run by the state Human Services Department, denied to state auditors that its workers failed to conduct the initial screening and contended it didn't have the staff resources to do periodic criminal history updates, according to the audit. The department noted that state law doesn't require such periodic background checks, auditors added.

The program is responsible for the care of about 19,000 foster children.

Two things are worth noting about the program's denials. First, the auditors found 321 providers and 32 adult family members in foster care households who had potentially disqualifying criminal convictions. Among the caregivers' offenses were convictions for domestic violence, assault and battery and criminal sexual conduct.

And second, after the audit became public, Human Services said it was contacting the State Police to set up a link that will do the monthly updates on the criminal histories of its care providers.

Failure to adequately check criminal records seems to be an emerging pattern in state government. Last August, the auditor general issued a report noting that the state Education Department had failed to match criminal records with teachers it had licensed.

At that time, the auditors said several teachers who were active in 2002 had been convicted of indecent exposure or drug-related crimes.

The Education Department promised to a better job. Now, the Human Services Department vows to do the same. But couldn't the Human Services Department have learned from the experience of the Education Department?

Or does each department have to have its own audit before it will fix problems?

Protecting children is the priority

Letters to the editor

The Detroit Free Press

August 22, 2005

The Department of Human Services is entirely committed to keeping the children in our care safe. Even one child at risk is too many. Early in the Granholm administration, we identified long-standing problems in the foster care program and took immediate action to address them. Some examples:

We will shortly have an automated match between foster care providers and the State Police's criminal history database to enable monthly updates.

We have automated systems to capture case records and increase supervisory oversight.

Next month, we will unveil a public, Web-based report card of foster care agencies, giving our workers and the public a tool to monitor those caring for foster children.

Today, we check criminal history on 100% of those seeking an initial foster care license. The findings of the Auditor General in foster care audit are important issues that we have been and are continuing to work on.

The Department of Human Services' priority is to protect children and families. Under the Granholm administration, we have been strengthening the child welfare system through an emphasis on prevention, early intervention and community partnerships.

Even in these difficult budget times, we continue to strengthen our systems and practices. At the same time, we are enormously concerned with proposals in both the House and the Senate to drastically cut our staff. If we are to make improvements recommended by the Auditor General and continue our national leadership in child welfare, we must have the resources to do so.

Marianne Udow

Director

Michigan Department of Human Services

Police officer facing child porn charges

Monday, August 22, 2005

By Bradley Flory bflory@citpat.com -- 768-4925

Albion Public Safety Officer Kyle Chaney has been charged with four felonies involving child pornography with a girl younger than 16.

Chaney, a 14-year veteran of the department and current officer of the year, was placed on administrative leave from his job and arraigned Friday.

The most serious charge, punishable by up to 20 years in prison, is engaging in an activity sexually abusive to a child.

The lead investigator and a county prosecutor declined to discuss details of what Chaney is accused of doing. The statute makes it a crime to take sexually explicit photos or create similar materials with a minor.

Chaney also is charged with possessing materials sexually abusive to a child, accosting a child for immoral purposes and second-degree child abuse. Each of those charges is punishable by up to four years.

Preliminary examination is set for Aug. 29 in Calhoun County District Court.

Allegations against Chaney were investigated by the Calhoun County Sheriff's Department.

Because of his work as a police officer, Chaney was taken to the Barry County Jail, where he was held this morning in lieu of \$500,000 bond.

Calhoun County Chief Assistant Prosecuting Attorney Dan Buscher said his office will not handle the case because of its previous working relationship with Chaney on many cases.

Kalamazoo County's prosecutor has agreed to take the case.

POLICE BEAT

The Ann Arbor News

Sunday, August 21, 2005

**Police arrest men on criminal sex charges
A Detroit man, 24, and a Hamtramck man,
22, were arrested and charged with criminal
sexual assault late Friday night after they
were discovered in an apartment with an
underaged girl, Ypsilanti Police said.**

When officers responded to a report of the smell of marijuana at an apartment in the 400 block of Perrin Street in Ypsilanti, they discovered four males with a 14-year-old girl, police said.

The officers determined that the girl had had sexual intercourse with one of the men and sexual contact with another, police said.

Police searched the apartment and found narcotics and a shotgun and arrested the two men, police said. The other two men were questioned and released.

The victim was treated at St. Joseph Mercy Hospital and released to the custody of her mother and aunt, police said. The two men were housed in the Washtenaw County jail, pending arraignment.

State disappointed that guilty sex offender won't spend time in jail

Monday, August 22, 2005

By Tom Gilchrist
TIMES WRITER

BAD AXE - The state Attorney General's office wanted a Port Austin businessman sent to jail for buying child pornography over the Internet, but a judge didn't put the merchant behind bars on Thursday.

Thomas H. Schmidt, 53, who operates an insurance agency in Port Austin, was ordered to pay \$1,500 in fines and costs, and to perform 50 hours of community service, when Huron County District Judge Karl E. Kraus sentenced him.

The judge didn't place Schmidt on probation, even though Michigan Assistant Attorney General David E. Tanay asked Kraus to impose some type of jail term for Schmidt, of 8512 Adams St. in Port Austin.

"We're disappointed in the sentence because we think incarceration is appropriate for someone in possession of child pornography," said Allison M. Pierce, spokeswoman for Attorney General Mike Cox.

The Times could not reach Schmidt's attorney, Bad Axe lawyer John D. Schwedler, for comment.

Two years ago, a U.S. Department of Justice task force identified Schmidt as someone who had used credit cards to buy child pornography by computer. The Michigan State Police began an investigation, which led to criminal charges against Schmidt by the Attorney General's Child and Public Protection Unit.

In an agreement reached with the Attorney General, Schmidt pleaded guilty to 10 counts of possessing child sexually abusive material in return for dismissal of six of the same counts, and dismissal of one count of using a computer to commit a crime.

Kraus accepted Schmidt's plea agreement on Thursday morning, and sentenced Schmidt the same day.

State law requires Schmidt to register as a sex offender for the rest of his life on the Michigan Sex Offender Registry, Pierce said. Schmidt must inform local police of his address annually, advise of any change in address, and provide a photograph for the registry that is accessible to the public via the Internet.

Prosecutors said Schmidt committed his crimes in March 2003, when the maximum sentence for possessing child sexually abusive material - then considered a misdemeanor - was one year in jail.

About two weeks after Schmidt's offenses, the Legislature made it a felony to possess child sexually abusive material, and changed the maximum sentence to four years in prison.

Prosecutors still had to charge Schmidt with misdemeanors, though, because his crimes occurred before the law change.

"Fortunately, the penalty for this crime has recently been increased from a one-year misdemeanor to a four-year felony, and hopefully in the future, those convicted of this crime will receive the sentences that are appropriate," Pierce said.

WASHINGTON

D P P

Study links violent games, behavior

Violent video games with protagonists that hunt, maim and kill are linked to at least short-term aggressive behavior in children, according to the first large-scale review of studies on the subject.

"Children and adolescents are becoming desensitized to this very violent content, so it doesn't surprise them, and they expect to see blood squirting out of someone when they are shot," said Kevin Kieffer, an assistant professor of psychology at St. Leo University in San Antonio, Fla. He and Jessica Nicoll, also of St. Leo, presented their findings Friday at the American Psychological Association's annual meeting.

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Once Woeful, Alabama Is Model in Child Welfare

By **ERIK ECKHOLM**

The New York Times

Published: August 20, 2005

MONTGOMERY, Ala. - As a mother, Stephanie Harris seemed hopeless. She was 29 and a determined crack addict back in 1993, when she was sent to prison for neglecting her six children, including infant twins. The authorities had little choice, she now agrees, but to give custody of her children to relatives.

"It didn't bother me," she recalled in a recent interview. "All I wanted to do was get high."

She served eight months, failed a urine test and went back to prison for a year.

If history were the guide, in Alabama or perhaps any other state, Ms. Harris might never have regained her children, child welfare officials here say. More likely, the children would have been shuffled among relatives and foster homes.

But officials here had, under court supervision, begun a wholesale overhaul of the child protection system to make it more pro-family, and they did not give up on Ms. Harris. Today she is off drugs, has a job and has custody of all but one of her children, whom an aunt is fighting to keep.

Her case illustrates what experts in child welfare say has been one of the country's most sweeping transformations of the handling of neglected and abused children. What by all accounts had been a dysfunctional system in Alabama, scarring too many children by sending them to foster-care oblivion while ignoring others in danger, has over the last 14 years become a widely studied model. But it has not been cheap, and in some ways Alabama has had to be dragged onto its pedestal because of political and philosophical resistance to the reforms and in spite of the state's endemic poverty.

"Alabama set the pace," said Richard Wexler, director of the National Coalition for Child Protection Reform, a private group in Alexandria, Va. "Though they've had some setbacks, I still view Alabama as a national model."

Forced by a legal settlement to make changes after parents and advocates filed a class-action lawsuit charging that the system failed to aid troubled families or protect children from neglect or abuse, Alabama has more than quadrupled its spending on child welfare since 1990, even as it has trimmed other programs in recent years.

One former governor, Fob James, complained about federal interference and questioned whether so much devotion to helping irresponsible parents was leaving children in harm's way. While Mr. James's successors have accepted the changes, they still resent being monitored; in a court brief this month, Attorney General Troy King said that the continuing court supervision defied the principle of "democratic self-rule through officials answerable to the people."

While Alabama's system is far from perfect, local officials and independent experts say, the system now is more likely than before to keep children with their parents, safely, and tries to provide whatever aid might help that happen.

Typical caseloads for social workers have been trimmed to 18 from 50, allowing far more intensive monitoring of families and help. Where reports of neglect or abuse sometimes lay

unchecked for months, investigators are now usually on the scene within a day when danger is imminent, and within five days more than 90 percent of the time, officials report.

In what many call the best measure of a system's ability to protect children from abuse - the share of children who are mistreated after intervention by social workers - Alabama has steadily improved its record. In recent years, a second abuse incident within 12 months of the first one occurred in roughly 5 percent of cases, down from about 13 percent in the early 1990's. Studies indicate that the comparable national average is about 11 percent.

And in a recent federal survey of child welfare systems, Alabama was one of only six states found to be "substantially in compliance" with norms for protecting children from neglect or abuse.

"When the lawsuit was filed, we didn't have the services that could keep children at home safely," said Carolyn B. Lapsley, the state's deputy commissioner for children and family services and a veteran social worker. "Now we're very proud; we have changed the system in every single county."

Though Alabama says it has made enough progress that it should be released from court supervision, skeptics question whether the new, labor-intensive practices can be maintained in the face of stringent budgets, high poverty and other social ills, including methamphetamine use, which state officials blame for a recent rise in the number of children removed from homes.

"We do not dispute that the agency has made progress," said James Tucker, a children's advocate and a lawyer in the suit that produced court monitoring.

"However, we believe that their recent efforts have focused more on creating a paper trail that looks like reform than producing the real reforms we seek," Mr. Tucker said, adding that some counties were lagging substantially, for example, in provision of vital family services.

Judge Ira DeMent of Federal District Court in Montgomery ruled in May that the state had not proved it could sustain its gains and declined to end the oversight for now. The state has asked him to reconsider.

When the class-action suit was filed, in 1988, "those who looked at the Alabama system invariably judged it as one of the worst in the country," Mr. Tucker said.

The 1991 settlement committed the state to a series of principles: quick investigations to head off danger, family preservation if possible, wide-ranging services for struggling parents and faster adoption for those requiring it, among others.

Ira Burnim, a lawyer with the Bazelon Center for Mental Health Law in Washington who helped draw up the agreement, said parents were often seen more as threats than as potential partners.

And, Mr. Burnim said, "there's a traditional tendency to focus on 'saving' the children but also to see them as damaged goods."

Child-welfare spending that totaled \$71 million in 1990, including \$47 million in federal money, rose to \$285 million in 2004, \$179 million of it from the federal government. Some of that came from Medicaid money the state had not previously tapped.

The state hired hundreds of new social workers and thinned caseloads. Workers could now spend more than 10 hours a week in some homes.

Cindy Letson, who lives in the small town of Moulton in the corn and poultry country of northern Alabama, has seen firsthand how the system works.

Her face weathered beyond her 48 years, Ms. Letson described a history of family violence and recalled the day in 2001 when the police took her for psychiatric evaluation.

She returned home within a day cleared of any serious disorder, she said, but was sent for counseling and help in breaking an addiction to antiseizure drugs. Her twin boys had already been removed and were sent to foster parents.

She followed the directives and was allowed to visit her boys for one hour a week. After repeated entreaties she regained custody two years ago, and now lives on welfare with her 7-year-old boys, Kyle and Kenley.

"I was ready to give up, but in the end the system worked," Ms. Letson said.

Elements of Alabama's approach have been adopted by other states. "A lot of the ideas we used came from the Alabama example," said Benjamin Wolf of the Illinois A.C.L.U., who has helped design changes to the system in Illinois, which is also operating under court supervision.

Alabama's method of evaluating its own system - choosing individual cases and closely examining how each was handled - has been adopted by the federal government for its assessment of child-welfare systems in each state, said Olivia A. Golden, a former federal welfare official now with the Urban Institute in Washington. New York City has also adopted the method.

But here, as in every state, there remain lapses. [On Wednesday, a state judge criticized the Jefferson County Department of Human Resources for failing to protect 2-year-old Sean Porter, who suffered severe bruising to his groin last December, two weeks after school officials reported suspicious bruises on his sister, The Birmingham News reported.]

In a report last November, Ivor D. Groves, a welfare expert from Florida who is Alabama's court-appointed monitor, said the state's progress toward the original reform goals had varied by county.

But without question, Mr. Groves said, "the egregious conditions of impossible caseloads and large numbers of uninvestigated" abuse and neglect reports "have been eliminated."

Some Alabama counties show "the best child-welfare practice in the country," Mr. Groves wrote. Ms. Harris, in Montgomery, has been a beneficiary of Alabama's progress. As she emerged from work-release and a third drug-treatment program in 1995, she showed that she was serious about going straight. So caseworkers, while requiring regular drug tests, helped Ms. Harris rebuild her life and then regain her children.

They paid for years of counseling and helped with expenses like child care, utility bills and, at one point, Christmas presents and shoes for the children.

Ms. Harris has since borne two more children and lives in a subsidized red-brick house in Montgomery with five of her children.

She works the day shift as a carhop and scrambles to provide for her boisterous clan, supplementing her income with Social Security payments for a child needing special education and a father's child support for two of them.

"My social worker was there for me," she said. "I've learned to pay my bills and manage my life."

In June, the child agency finally closed its books on Ms. Harris, satisfied that she could provide a decent home.

\$286K missing from 2nd Zwick client 84-year-old is sister of woman in pending case

*By Kelly Hassett
Lansing State Journal
Published August 20, 2005*

CHARLOTTE - A judge on Friday ordered former court guardian Charles M. Zwick to pay back \$285,788 to a second woman he was assigned to protect.

Alice Grahn, 84, is the sister of Wilma Southwell, whose finances Zwick also is accused of mismanaging.

The 56-year-old Charlotte lawyer was arrested Sunday after missing a hearing at which Southwell's family alleged he closed her accounts and didn't explain where the money went.

He was ordered to repay the \$347,000. Southwell, who is deceased, had Alzheimer's disease, as does her sister.

Zwick can't be reached for comment because he's in Eaton County Jail on a contempt-of-court charge and the jail doesn't take messages. His lawyer, John Deming, declined to comment.

Zwick didn't account for cash he took from some of Grahn's accounts, said family attorney Philip Vilella.

"All we know is that the money's not there," he said.

The women's relatives, who also declined to comment Friday, feel betrayed by Zwick, Vilella said.

"These are very much the most vulnerable group of people," he said of Zwick's former clients.

"We were hoping we were wrong."

As court guardian, Zwick managed finances for about 157 people.

While authorities and the FBI continue a separate criminal investigation, other Eaton County officials are helping secure emergency funds for nearly 100 people who had Zwick as their guardian.

Some have had their assets frozen so officials can look into the probate court case, while others are waiting to get reorganized Social Security payments.

Eaton County's Department of Human Services is distributing emergency food stamps and money for some of them, said new court guardian Christine Waichunas.

The Social Security Administration also is expected to issue emergency checks early next week, she said.

Waichunas encouraged people who want to help to give to food banks.

Contact Kelly Hassett at 267-1301 or khassett@lsj.com.

Help on the way

- Some Eaton County human services departments and the Social Security Administration are preparing to issue emergency funds and food stamps for some of the nearly 100 people who had former court guardian Charles M. Zwick assigned to manage their finances, said new court guardian Christine Waichunas.

- Waichunas encouraged anyone who wants to help to donate to local food banks, especially in Eaton County.

State may slash home care

MI Choice provides independence to seniors and disabled and saves money, advocates say.

By Maureen Feighan / The Detroit News

Saturday, August 20, 2005

OAK PARK -- Sunrise is still two hours away, but Fairstene Haggard's day has already begun.

Up at 4 a.m., the 52-year-old Oak Park resident exercises and wakes her 79-year-old mother to help her shower and dress. She lays her mother back down to sleep until her adult day care program begins. Then she leaves for work and prays.

She prays her mother, who has Alzheimer's, will hear the phone call Haggard makes each morning to wake her up and remind her to be ready when the bus arrives at their doorstep to take her to adult day care. Last week, her mom wandered down the street after Haggard left and got lost.

"It's very stressful," said Haggard, who had to find transportation for her mother because the day care program starts after she leaves for work and doesn't offer rides. "I'm continuously worried something is going to happen to her."

Like hundreds of frail seniors and adults with disabilities across Metro Detroit and Michigan, Haggard's mom, Margie, is on a waiting list to join a popular social services program called MI Choice. Designed to help people who need assistance to stay in their homes rather than go to nursing homes, the program provides help with everything from meals to cleaning to transportation.

State lawmakers are contemplating a \$7.5 million to \$9.7 million cut to MI Choice because of the state's budget troubles and what some say are high administrative costs. Social service officials say the cuts would effectively close the program to new enrollment, waiting lists will swell, and client care could suffer. More than 1,000 people in Metro Detroit already are on waiting lists.

Advocates of the cuts, however, say they are providing more money for client care by streamlining administrative costs. Mary Ablan, executive director of the Area Agencies on Aging Association of Michigan, said if lawmakers' proposed cuts begin Oct. 1, there will be fewer social workers and nurses, which could affect care for clients.

"The program cannot operate without these nurses and social workers that help the clients," Ablan said.

"They are the core of the program. They're the folks that assess the client, determine their needs, what their families are capable of doing, what their living circumstances are, what their financial circumstances are."

Kathleen Kirschenheiter, associate director of the Area Agency on Aging 1-B, which represents Livingston, Macomb, Monroe, Oakland, St. Clair and Washtenaw counties, said the program offers a choice. She said more than 500 people are waiting for the program in her district already.

Both the state House and Senate have already approved cuts, although budget talks continue.

Advocates say cutting MI Choice shows just how backward Michigan is in its approach to long-term care.

MI Choice, they say, gives people more freedom while costing less than placing them in nursing homes. Michigan spends \$100 million in Medicaid funds each year for MI Choice, which last year cost an average \$39 a day per person.

Roughly \$1.4 billion, meanwhile, goes to nursing home care, which cost an average of \$119 per person each day last year. The issue will become more acute as the state's baby boomers age and retire, swelling the number of people in need of care.

Supporters of home-based programs estimate that up to one-third of Michigan's nursing home residents don't need that level of care.

"For so many years, institutionalization has been the default option," said Sandra Reminga, I-B's executive director. "It's been the only thing people hear about. If you couldn't stay in your own home, doctors said, 'Well, you should consider a nursing home.' This program gives people a choice and clearly that's what people want."

State Rep. Bruce Caswell, R-Hillsdale, denies the cuts will close the program to new clients.

Administrative costs hit

Caswell said currently \$25 million of MI Choice's \$100 million budget is allotted for administrative expenses. The state House has proposed cutting \$7.5 million of that administrative budget and shifting another \$7.5 million of the same budget to direct services, leaving \$10 million for administrative expenses and increasing the direct services budget to \$82.5 million. T.J. Bucholz, a spokesman for the Michigan Department of Community Health, said Gov. Jennifer Granholm has made it clear she opposes proposed cuts to MI Choice.

"We understand very well the value of the program," Caswell said. "That's why we moved \$7.5 million to the direct services. On the administrative side, we need to do better."

MI Choice started as pilot program in 1992. Initiated by the Centers for Medicare and Medicaid Services as an alternative to nursing home care, the program expanded statewide in 1998 and by 2001 enrollment tripled to 15,000.

But the same year funding levels were capped at \$100 million, and enrollment has since dropped to roughly 7,000.

Michigan, meanwhile, spends roughly \$1.7 billion a year in Medicaid on long-term care, including \$1.4 billion on nursing home care. Of the state's 43,000 people in nursing homes, roughly 30,000 are covered by Medicaid.

To see the state spend so much on nursing home care when the MI Choice program is more cost-effective is illogical, Reminga said.

A report released in May by the Michigan Medicaid Long-Term Care Task Force, assembled by Granholm to look at Michigan's approach to long-term care, found the state has "an overreliance on relatively expensive institutional care" and should consider ways to allow consumers to receive care in settings of their choice.

Roger Long of Hazel Park is grateful he has a choice.

Paralyzed from the chest down in a motorcycle accident in 2001 that also left him legally blind, Long was depressed and suicidal. Having his mother as his primary caregiver nearly led her to a mental

breakdown and put a tremendous strain on their relationship, Long said. Then they discovered the MI Choice program.

Long now receives roughly 40 hours a week of assistance. Aides help him with everything from exercising to eating to bathing. His mother, Jacklynn, said he's a completely different person and she finally has some time for herself.

"If not for the MI Choice program, I can completely and unequivocally say my mother would probably be in a mental institution, I think the whole family unit would've collapsed and I probably would've wound up in a nursing home," said Long, 33, a political activist for the physically disabled. "And to have to be put in a nursing home would be virtually a death sentence. I would refuse treatment. I would have no quality of life."

Programs not for everyone

But home-based care is not for everyone, insists Reginald Carter, president and CEO of Health Care Association of Michigan, which represents for-profit nursing homes.

Carter said nursing homes and home-based programs serve two different types of people. For seniors with advancing stages of Alzheimer's, incontinence or no family support system, nursing homes are an appropriate place.

"The question isn't whether they should be in a nursing home or at home," Carter said. "The question is who needs what care and what resources do we have to get what people want. Right now it's being pitted as us against them. I think it's the wrong question."

Donna Gides of Chesterfield Township tried everything from assisted living to having her mother live with her briefly before she decided to put her in a nursing home in Romeo. She said the assisted living facility wiped out her mom's savings and her mom often couldn't find her way to the cafeteria. Her mother, Dorothy Vitali, has dementia and a depressive disorder.

Mother loves care provider

And while Gides sobbed after leaving her mom the first day at Romeo Continuing Care six years ago, today "she absolutely loves it," Gides said. "It's an old, old home but they take the best care of my mom. They're just really loving there."

Carter also argues that if home-based programs were so effective, Medicaid costs for nursing home beds would have gone down. But he contends the number of Medicaid-funded beds in nursing homes in Michigan has remained virtually the same for 20 years.

"All the data says the nursing home bottom line should go down," he said. "The story line is so compelling on their side, saying 'Look, we can solve your problem. Look at this on paper, you win.' It only works if they're comparable groups."

Ablan, of the Area Agencies on Aging Association, disagrees. She argues that the MI Choice has had an impact on nursing homes with the number of days in nursing homes paid by Medicaid down 17 percent between 1991 and 2001. She also said nursing homes and MI Choice are serving the same type of people because potential clients must pass the same screening for a "nursing home level of care" for either choice.

Haggard, meanwhile, will keep waiting and praying. Her mother has been waiting since March.

"It scares me," she said. "I don't want to put her in a nursing home. That's my mother. I love her. I can't do that to her."

You can reach Maureen Feighan at (248) 647-7416 or mfeighan@detnews.com.

Long-term care options for seniors

- **Adult day care:**

Provides day-time supervision and activities for adults while their loved ones work.

- **Home care:** Caregivers come to a client's home; services range from grooming and delivered meals to physical therapy.

- **Assisted living:**

Designed for relatively independent people who may need help with hygiene, grooming or other tasks. Medicaid typically doesn't cover these facilities but check with the state's Medicaid office.

- **Nursing facilities:**

Provide regular medical, nursing, social and rehabilitative services in addition to room and board for people not capable of independent living; provide basic medical services short of the need for 24-hour skilled nursing care

- **Skilled nursing facilities:** Provide 24-hour nursing services; registered nurses, licensed practical nurses, and nurse aides provide services prescribed by the patient's physician.

Source: Health Care Association of Michigan MI Choice Waiver Program

- Open to seniors 65 and older or disabled people between age 18 and 64; income can be up to \$1,656 per month or assets of less than

\$2,000.

- Potential clients are assessed by social workers and nurses to determine needs; a care plan is developed.

- Services include homemaker services, respite services, adult day care, transportation, home-delivered meals and personal care supervision.

*Source: Michigan
Department of
Community Health*
Related reports

Cell phone donations help thousands of area seniors

PUBLISHED: August 22, 2005

By Jameson Cook
Macomb Daily Staff Writer

About 8,000 senior citizens in Macomb County now are equipped with emergency cell phones used to dial 911, thanks to contributors throughout the county and beyond.

The Macomb County Department of Senior Citizen Services has distributed the phones since starting its phone-donation program nearly four years ago. The program received an award its first year from the National Association of Counties.

"We're so proud of the program," senior services Director Karen Bisdorf said. "We achieved success when it started, and we continue to see success. We hear so many success stories of people in situations where they needed a phone and had it."

One of those recently occurred when Juanita Landis' car got a flat tire on Interstate-696. Dressed in a clown outfit for a party and not in good enough health to walk a long distance, Landis used her phone to dial 911. Help came.

"If I hadn't of gotten that cell phone, I would have been in real trouble," Landis said. "I feel a lot safer now that I have it."

Any of Macomb's 140,000 seniors can pick up a free phone at senior services offices in the VerKuilen Building in Clinton Township. Department staffers also distribute the phones at various events.

Sue Meyers of senior services recently distributed 17 phones to seniors at Park Place Towers apartments in Mount Clemens. She instructed each recipient on how to use the phone, spending several minutes going through each step.

"A lot of them have never had a cell phone," said Meyers, an information and referral specialist. "We don't want the phone to end up in the back of a junk drawer because they don't know how to use it."

Recipients are encouraged to use the phone mainly for when they're out. Using a landline phone during an emergency is preferred because the dispatcher can see the caller's address, Meyers said.

Mary Nelson, 72, of Mount Clemens, said she appreciates the phone.

"I've had two heart surgeries and two strokes," Nelson said. "I'll use it when I take the bus to go grocery shopping. If I fall down in the middle of Farmer Jack, I can call. My son had talked about getting me one. He doesn't have to now."

Jack and Mary Virga of Mount Clemens, 87 and 80 respectively, also received a phone. Meyers decided to give them a second one after realizing that on the first Jack was having trouble reading the numbers.

Donated phones come from individuals, groups such as the Boy and Girl Scouts, and church organizations and businesses.

"We get boxes shipped to us," Bisdorf said. "When companies change over to new phones, they give them to us."

The phones must have working batteries.

Phones can be donated or picked up at the Senior Citizen Services Department, 21885 Dunham Road, near Elizabeth Road and Groesbeck Highway, in Clinton Township. Hours are 8 a.m. to 5 p.m. Call (586) 469-6313.

Helping Hands matches elderly with service providers

Monday, August 22, 2005

By Janet MeanaThe Grand Rapids Press

GRAND HAVEN -- For six years, Joi Kopka has been helping senior citizens stay in their homes.

"They're so happy to see you," the Grand Haven woman said. "There's such a need for it." Kopka used to be part of PALS or Personal Assistance to Living for Seniors. The PALS program, offered through North Ottawa County Council on Aging, helped find home services for seniors at a discounted price.

Last month, PALS was replaced by Helping Hands.

"It's just getting off the ground," said Jacque Pariseau, home services coordinator for North Ottawa County Council on Aging.

Pariseau is compiling a registry of workers, who will be categorized by where they live and what kind of work they do. When a senior asks for help, they receive a list of workers in their area with telephone numbers and the cost for services.

"They pay the worker directly," Pariseau said.

The maximum charge is \$15 an hour.

Kopka, who charges \$8 an hour, said she wants to be affordable.

The council does a criminal background check on everyone who applies to be in the registry.

References also are checked and Pariseau interviews each applicant.

CONTINUED

Helping Hands matches elderly with service providers

Page 2 of 2

"The clients themselves also can interview the workers before hand," she said.

The biggest demand is for basic house cleaning. Another need high on the list is personal and respite care. "A husband, wife or child wants to get away for a couple of hours, so they're bringing somebody in to stay with the person."

Help is available for such things as minor home repairs, beautician services, yard care, rides, laundry and more. A couple of people do pet care.

Pariseau said if someone has a particular need, she puts their name on a waiting list and calls as soon as someone with that skill becomes available.

Kopka, who is studying to become a registered nurse, has three clients.

She does house cleaning, transports people for shopping and appointments, and sits with an individual who has Parkinson's disease to give his wife a break.

"She needs to get out for a couple of hours for mental stability."

In townships and cites that support the council with a tax millage, the registry is free. In other areas, a fee is charged for the list.

**Detroit News
Oakland Brief
August 21, 2005**

Pontiac

Merged food bank names new board

Agostinho "Augie" Fernandes, the newly appointed president and CEO of the Gleaners Community Food Bank of Southeastern Michigan, has named a new board of directors. Fernandes was the former president and CEO of Gleaners Food Bank in Detroit before it merged with the Food Bank of Oakland County. The new merged organization is located in Detroit. Among the new food bank officers are Ned Greenberg, chairman; Pat Berwanger, senior vice chair; and Catherine Genovese, vice chair.

Medicaid neediest in danger

If Michigan loses \$300 million in fed funds, it may have to turn away or cut back service for thousands.

By Deb Price / Detroit News Washington Bureau

August 22, 2005

WASHINGTON -- Michigan fears losing more than \$300 million annually in federal funds for its already endangered Medicaid health care program, potentially forcing the state to turn away tens of thousands of its neediest citizens and consider raising taxes or cutting other vital state services.

Steve Fitton, Michigan's Medicaid policy director, warns that cost-saving recommendations sent by President Bush to Congress this month could require the state to make devastating choices that might include:

- Cutting the scope of the program to include only the neediest children, the disabled and the aged.
- Scaling back or eliminating optional services such as mental health therapy for disabled adults or the MI Choice Waiver Program, which provides in-home care for 9,000 elderly and disabled poor.

"We're struggling mightily even without these changes to keep up with growing caseloads," Fitton said. "This is a very real threat that would shift costs to the state. We've already been cutting back, and these federal cuts would be especially devastating because of that."

Medicaid has become Michigan's single largest budget problem. Already, Michigan provides Medicaid to a record 1.45 million residents, gobbling up 23 percent of the state budget in fiscal 2005 versus 8 percent in 1980.

Medicaid, which accounted for \$7.1 billion of the state's budget in 2004, pays for 40 percent of all births and 70 percent of all nursing home days in the state.

But as the caseload has exploded, state revenues haven't kept pace, forcing painful cutbacks in education spending, aid to local governments and virtually all state agency programs. And, with the unemployment rate in Michigan among the highest in the nation and businesses scaling back or eliminating health care, the state's Medicaid rolls are expected to keep growing.

Bush is asking for \$10 billion in cutbacks for Medicaid, a joint federal-state health care program for the poor. That's a key part of the administration's plan to reign in the government's towering budget deficits.

To illustrate what \$300 million means to Michigan, Fitton said that amount pays for 360,000 of 900,000 children now in the state's Medicaid program, or 40,000 of its 270,000 blind and disabled adults.

Fewer Medicaid matching dollars from Washington could force Michigan to cut optional services for Medicaid recipients like 80-year-old Mary Parker of Detroit, who gets an assistant most days to help wash, cook and run errands.

"Oh goodness, that would be horrible if they cut Medicaid," said Parker, who also relies on Medicaid to pay a monthly bill of \$225 for prescription medications. "So many of us depend on Medicaid."

The focus by Congress in coming weeks on how to reduce Medicaid costs will amplify the growing debate over out-of-control health care costs, which are straining virtually every sector of the economy.

Some of Bush's proposed Medicaid reforms are popular among consumer advocacy groups and governors, including limiting prescription drug prices and preventing older Americans from transferring their assets to avoid having to pay their own nursing home bills. But the administration of Gov. Jennifer Granholm opposes other Bush proposals.

His proposal to scale back the rate of taxes that states can impose on nursing homes, hospitals and health maintenance organizations (HMOs) from 6 percent to 3 percent, for example, could cost Michigan about \$144 million annually when fully phased in by 2008, Fitton said.

Another Bush proposal would change the definition of what kind of managed care provider states must tax. Michigan imposes a 6 percent tax on HMOs that take Medicaid dollars. That nets \$120 million annually directly from the tax and an additional \$160 million in matching federal funds.

But Bush proposes requiring the tax to be applied more broadly to all HMOs, including those without Medicaid patients, and even to preferred provider organizations (PPOs).

"Politically, I think we'd have a hard time getting a tax on HMOs and PPOs that broad in Michigan," Fitton said. "The likelihood is that we'd lose the tax we have now on HMOs, and therefore also lose what we get from the federal government."

Already, Michigan has taken numerous steps to control its Medicaid costs. It has told HMOs that they won't get a rate increase for Medicaid services next year. And on May 1, the state cut by 4 percent how much it reimburses doctors, hospitals and other providers serving Medicaid patients.

Lansing lawmakers are also considering eliminating Medicaid eligibility for low-income, nondisabled parents and grandparents who are caring for children, imposing co-pays for doctors' visits, and creating a sliding premium fee for enrollees based on whether they agree to stop smoking and adopt other healthy practices.

Meanwhile in Washington, by mid-September two congressional committees must propose up to \$10 billion in Medicaid savings over the next five years to be included in a budget reconciliation bill that Congress has to pass before the year's end.

As required by legislation passed in April, the House Energy and Commerce Committee must cut \$14.7 billion and the Senate Finance Committee \$10 billion in programs they oversee. Medicaid is expected to take the biggest hit.

"At the end of the day, we're going to have a better system that helps people in need," said U.S. Rep. Mike Rogers, R-Brighton, who will be a key player on the House side because he sits on the Committee on Energy and Commerce.

"We are looking for savings that don't impact the impoverished person," Rogers added, pointing to such examples as giving states more leeway to experiment with cost-cutting ideas, a step popular with governors but not with consumer advocates.

"Our fear is that the savings will be on the back of poor people rather than highly profitable pharmaceutical companies and highly profitable abusive providers," said Kathleen Stoll, health policy director at Families USA, a health care advocacy group.

The upcoming politically sensitive fight in Washington over what to do about Medicaid will intensify debate over the nation's health care crisis. The double whammy of turbulent economic times and

employers' reluctance to shoulder rising costs of health care coverage has turned Medicaid into an all-purpose safety net, which wasn't intended when it was created in 1965 for the very poor.

Karen Hunter of Inkster illustrates the central themes in the coming debate in Washington: Her story displays the shock waves felt throughout the health system when low-income Americans lack medical coverage.

Although her two children are on Medicaid, Hunter isn't eligible and says she can't afford the \$86 monthly cost of health coverage from her employer. Hunter, an assistant to mentally disabled adults, receives a monthly after-tax income of \$1,260, which barely covers \$700 in rent, day care, gas and food.

Trying to get by without coverage resulted in Hunter running up \$5,000 to \$10,000 in unpaid bills at hospitals, she says, where she went to get such things as antibiotics to treat a serious bout of strep throat.

"I try to stay healthy," she said. "If I get sick or have an injury, I'd have to go to the emergency room and owe more money to hospitals."

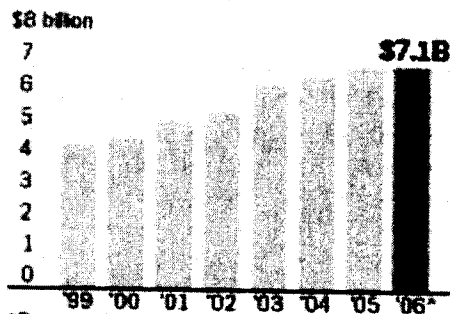
Health care providers hit with unpaid bills jack up the rates for paying customers, which means health insurers pass on their rising costs to employees through higher premiums and co-pays.

You can reach Deb Price at (202) 906-8205 or dprice@detnews.com.

A growing problem

Medicaid spending and eligibility have risen sharply in recent years.

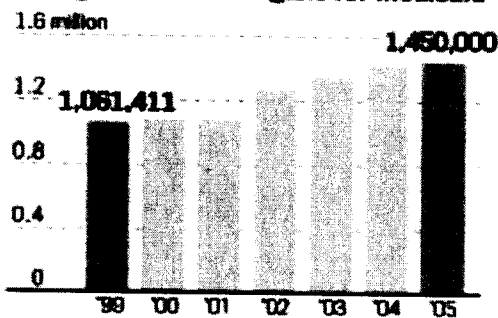
Michigan spending



*Proposed

Source: Michigan Department of Community Health

Michigan residents eligible for Medicaid



The Detroit News

Medicaid costs soar in Allegan County

Monday, August 22, 2005

Special to the Gazette

ALLEGAN -- Although Allegan County's unemployment rate runs below the national average, use of Medicaid in the county to cover health costs is soaring.

Health officials say that's because many of those who have jobs in the county are part of "the working poor" -- people whose jobs offer low wages and few, if any, benefits.

"People receiving public assistance will work if there are jobs to be had," said Susan Bailey-Carman, director of the Allegan County Department of Human Services, which formerly was known as the Family Independence Agency.

Although caseloads aren't as high as they could be, many people are still getting assistance, particularly with Medicaid, which she said had experienced a "whopping increase."

The increase, she said, has come from two factors: people working at minimum-wage jobs or jobs where the cost of health insurance is so prohibitive that they can't afford it, and the elimination of insurance by some large employers.

"It's also a function that states, including Michigan, have increased the eligibility," she said recently during her annual report to Allegan County commissioners.

"These are not people that are living off the fat of the land," she said.

As of July, the number of people in the Medicaid medical-assistance program in the county numbered 6,636. In December that number was 6,245; in October 2003, it was 5,708.

The number of Medicaid cases had stayed fairly flat from 1980 through 1988, varying between 899 and 1,054. But they began rising in 1989, climbing to 2,029 in October 1992, 3,169 in October 1998 and 4,349 in October 2001.

The use of food stamps is also on the rise in the county, she said.

There were 3,509 people using food-stamp cards in July, an increase from 3,220 in December and 2,756 in October 2003. The low point since 1980 was in October 1999, with 1,191.

MIRS

August 19, 2005

Medicaid/Medicare Represents An Indirect Tax Says Expert

(SEATTLE, WA) The nation's health care system for the elderly and the low income is being underwritten by the private sector and represents an indirect tax, a health care expert told the National Conference of State Legislatures (NCSL) this morning.

Uwe **REINHARDT**, the James Madison Professor of Political Economy at Princeton University told NCSL attendees that the country is facing a perfect storm in the health care field.

When purchasing health care, Reinhardt noted that private sector employers wind up paying 120 percent of the true cost of providing health care for their employees. Medicare pays 95 percent of its costs and Medicaid pays 92 percent of its costs.

“The real problem is, what if the private sector really starts pushing on the margins?” Reinhardt asked legislators. “It's great to get a deal like this but it raises some ethical issues.”

Specifically, Reinhardt said ethical issues are the signals and messages that legislators are sending out to the general public.

“What are state legislators communicating to pediatricians when they pay \$20 for them to see a poor child and \$80 to see their own child?” asked Reinhardt.

The rising costs of providing health care coverage is leading to the rapid dissolution of the employer based health care system. Reinhardt noted that the health care system has been demanding and getting growth rates at around 2.5 percent above the growth rates seen in the economy as a whole.

Today he argued a medical health insurance plan for a family costs \$10,000 a year. If that rate grows at 8 percent over the next 10 years that premium will rise to \$21,000 a year. If the premium grows at 10 percent, which is in line with premium growth the past several years, the premium will be \$26,000 in 10 years.

“This cannot happen like this,” Reinhardt said. “Businesses won't stand for it. Employers will shove more and more of health care costs out of their bottom lines and on to employees in the form of deductibles.”

For the economy, the rising tide of health related costs could also spell trouble.

“Many young American entrepreneurs would like to be entrepreneurs but they go to work for a company because of health care,” he said. “So, you have the health care system beginning to stop

entrepreneurs, the engine of our economy.”

The new trend towards higher deductibles and health savings accounts (HSAs) won't fix the problem either. He argued that the accounts wind up forcing more liability on those least able to pay: the poor. Using a web site that costs out HSAs, he pointed out that a single mother, aged 26 who makes \$25,000 could be exposed to up to \$24,000 in health care liability under some of the plans.

He pointed out that the net result would be physicians and health care providers writing off more bad debt.

“Which would the Lord want you to pay for: your rent, new tires, or pay the hospital?” Reinhart asked. “Don't pay the rent and you're homeless, don't buy new tires and you can't get to work.”

On the federal side, Reinhart said don't look to the federal government, which he said is increasingly pushing off the costs of health care wherever it can, primarily on to the states. He argued that increasing federal expenditures on health care, rather than on tax cuts, would have had the same stimulating impact on the economy.

The economist argued that unlike tax cuts, spending on health care would have resulted in less leakage overseas. When you cut taxes on the wealthy, they can spend that money overseas or on foreign made products. By contrast, the United States purchases next to no health care from abroad.

“I'm not sure, maybe because I'm a little rural economist, but it doesn't make sense why spending more on SUV's makes more sense than building more hospitals,” Reinhart said.

G.L. man says Iraq duty cost him custody of son

Mother disputes claim in case seen as trend

*By Stacey Range
Lansing State Journal
Published August 21, 2005*

Army National Guard Spc. Joe McNeilly hasn't been the same since he returned from Iraq in March.

But it's not flashbacks to explosions and injured soldiers that haunt him most. It's that he lost shared custody of his 10-year-old son while he was serving his country.

"You want to make a soldier cry, you take his son away," McNeilly, 33, of Grand Ledge, said last week as he blinked back tears. "It's devastating."

McNeilly believes he lost custody of Joey because he was in Iraq for 15 months.

There's debate over whether that's true.

Joey's mother, her lawyer and the Ingham County Friend of the Court say McNeilly lost custody because of his parenting skills, not his deployment.

But others, including guard officials and one state lawmaker, disagree.

"He would still have his son if he hadn't been deployed," said Maj. Dawn Dancer, public affairs officer for the Michigan National Guard.

The case is among the latest - and some say most disturbing - in a national trend of custody battles in which soldiers say they are being punished by family courts because they were called to duty.

And it's prompted state Rep. Rick Jones, R-Grand Ledge, to begin work on legislation aimed at barring courts from using soldiers' absences for active duty against them in custody hearings. Jones hopes to introduce his bill as early as Wednesday.

"This man went and served his country and in return had his rights trampled," Jones said.

"He should be praised, not punished."

Don Reisig, director of the Ingham County Friend of the Court, said confidentiality laws bar him from saying much about the case.

But he said the court's recommendation issued in May not to restore shared custody has nothing to do with McNeilly's military service.

"The fact that he was called up to defend his country makes no difference," Reisig said. "That is not the nexus or the cause of his not getting back his custodial rights."

But a report from the May hearing says the court favors Joey's mother, Holly Erb of Mason, because she was the "day to day caretaker and decision maker in the child's life" while McNeilly was deployed.

Erb declined to comment.

"This is outrageous," said Kathy Moakler, deputy director of government relations of the National Military Family Association in Alexandria, Va. "It's a scary precedent to set, charging the parent with abandonment because he was deployed."

No simple matter

Like many custody battles, the case is complicated.

McNeilly had shared custody of Joey, his only child, before being deployed in January 2004. Joey would spend one week at his dad's and the next at his mom's, who then also lived in Grand Ledge.

The arrangement had been in place nearly five years, since Joey was 4.

What's next

- State Rep. Rick Jones, R-Grand Ledge, could introduce legislation as soon as this week barring courts from using soldiers' absence for active duty against them in custody hearings.

- A hearing scheduled for Wednesday before Ingham County Family Court Judge Janelle Lawless has been postponed. A new date has not been set for Lawless to hear testimony on Spc. Joe McNeilly's request to have shared custody of his 10-year-old son restored.

But Erb, McNeilly's ex-girlfriend and Joey's mother, petitioned the court for full custody seven months after McNeilly joined the National Guard in 2003.

McNeilly agreed to give Erb temporary full custody until he returned from duty. The new custody order said the issue would be revisited when McNeilly returned from Iraq.

The court referee recommended against restoring custody and instead gave McNeilly visitation rights for every other weekend and some holidays.

A hearing set for Wednesday before Ingham County Family Court Judge Janelle Lawless has been postponed. A new date has not been set.

Erb's lawyer, Theresa Sheets of Lansing, said Erb wanted full custody because she no longer found McNeilly to be a fit father.

"This has absolutely nothing to do with his military service," Sheets said.

"It has everything to do with his behavior as a parent."

Sheets pointed to the court referee's report that made the case against McNeilly.

The report says that McNeilly treats his son more like a friend than a son, and "sees the child as a counterpart in his military adventures."

It also questions some of McNeilly's correspondence to his son while on active duty.

McNeilly said one postcard showed a soldier holding a gun. Another showed a soldier spearing a tire as if it was an enemy.

The court report says McNeilly also told his son how to kill people in multiple ways, and that he wrote his son "the next time someone touches you and leaves bruises on you - I'll be ready."

McNeilly said the statements were taken out of context. And he believes the postcards were appropriate for a then-8-year-old boy.

But Sheets said the correspondence crossed the line.

"My client is making sure to turn off the TV when the news reports deaths in Iraq and (McNeilly) was engaging in behaviors that brought fear," Sheets said.

Sheets also said McNeilly didn't send child support for the first six months he was in Iraq.

Legally, McNeilly didn't have to pay child support until Erb took full custody of the boy in July. McNeilly then started paying \$525 a month.

Sheets added that there's more to her client's claims of McNeilly's poor parenting skills but she declined to elaborate, saying she didn't want to disparage McNeilly.

New problem

Guard officials say this is a new problem facing many members who have nontraditional families.

Not since World War II has the military relied so heavily on reservists, and back then, most soldiers were either single without children or married.

Few had to worry about custody battles while fighting a war.

"This is a problem that we're hearing more of," said Moakler, whose association provides support to military families, including educating them about their rights and benefits.

Capt. John Wojcik, judge advocate general to the Michigan National Guard, said he knows of 15 to 20 custody battles that have erupted either while or as a result of a reservist going on active duty.

Wojcik said he's been able to help get most of those cases delayed under the Servicemember's Civil Relief Act, which gives service members a 90-day postponement of civil court hearings.

McNeilly's case is different and difficult, said his lawyer, Pat Boog of Lansing.

The court must consider whether it's in Joey's best interest to have custody changed. Sheets will argue that her client has created a more permanent, stable home for Joey while McNeilly was away.

"It can be fairly disruptive for parents to come and go," Sheets said. "A child's life needs continuity and regularity."

But Boog said serving in a war is not your typical coming and going.

"He wasn't just gone," Boog said. "He was serving his country."

"It's unfortunate that someone has to go overseas to serve his country and loses his privilege or right to be a parent."

Contact Stacey Range at 377-1157 or srange@lsj.com.

Grandparents seek right to visit children

Not in kids' best interest to see them, mom says

By **BILL CHAPIN**
Times Herald
August 22, 2005

The box is filled with ribbon, pipe cleaners and other rainy-day crafting items. It was the box Connie Teichow would get out for her grandchildren when they came to visit, something that used to happen almost every other day.

It has sat unused in the basement since May 11, 2004.

That was the last day Teichow spent time with her three grandchildren, ages 8, 9 and 14. Since then, the Greenwood Township resident has been able to catch only glimpses of them at choir concerts and basketball games - much to the displeasure of the children's mother, Michelle Teichow, who said it is in her children's best interest to keep them from seeing their father's side of the family.

Connie Teichow and her husband, Del, are suing their former daughter-in-law for visitation rights under a new law signed in January by Gov. Jennifer Granholm. Michigan had been without grandparents rights since 2003, when the Michigan Supreme Court declared an old law unconstitutional.

The new law places a much higher burden of proof on the grandparents, but Connie and Del Teichow are glad it is in place. Without it, "we'd have no option at all," Connie Teichow said.

"I want the legal system to look at the laws and the way they were written and give grandparents a chance," she said.

Michelle Teichow issued the following statement through her lawyer, June Sullenger: "The law requires the court to determine what is in the best interest of the minor children in this case. I am acting in the best interest of my three children and believe it is unfair to them to have their personal lives discussed in the newspaper."

She declined further comment.

A test of the statute

The first hearing in the case is scheduled for Thursday. St. Clair County Probate Judge Elwood Brown said it's the first case to come before him involving the new law.

"I had several such cases under the old statute," he said, "but not since the new one went through."

Danny Victor of Grandparents Rights Organization, a Birmingham nonprofit group that has championed grandparents rights laws nationwide since 1984, said the issue is more widespread than many people realize.

"I'm sure there are tens of thousands of grandparents being denied visitation throughout the state," he said.

Victor said the Teichows' case stands out among those he has heard based on the amount of time they had spent with their grandchildren prior to last year. Time spent with grandchildren is one of the law's key elements.

"I get more calls from grandparents than any other lawyer in the state of Michigan," he said. "This law was designed to protect the Teichows ... more than any other grandparent I've talked to. If they don't succeed, then this thing is a failure."

Even the new law is unacceptable for the Coalition for the Restoration of Parental Rights. The group's goal is to abolish all visitation rights for third parties such as grandparents, said Judy Thomason, a California resident who is the group's Michigan representative.

IN COURT: Del and Connie Teichow of Greenwood Township are hoping to be reunited with their three grandchildren. The couple, who have not seen the children since May 2004, have petitioned the courts for visitation rights. A hearing is scheduled Thursday in St. Clair County Probate Court.

A CLOSER LOOK

MICHIGAN'S GRANDPARENTS RIGHTS LAW
Grandparents who have been denied visitation by a parent may petition for visitation in any of the following circumstances:

If there is a divorce, separate maintenance, or annulment action pending between the child's parents, or such an action has been finalized.

The grandchild was born out of wedlock and the parents are not living together. This only applies to grandparents of the father if he has been declared legally to be the father of the child and provides child support.

Legal custody of the child has been given to a person other than the child's parent or the child does not live in the parent's home (other than a child who has been adopted by someone other than a stepparent).

A grandparent has taken care of a grandchild during the year before they request visitation, whether or not they have done so by a valid court order.

The child's parent, who is a child of the grandparent, is deceased.

If a hearing is granted, the grandparents have the duty to show the court by a preponderance of the evidence (51% or more) that the decision to deny visitation does harm - either mental, physical or emotional - to the child.

"I think it interrupts the fundamental right of parents to raise their children as they choose," which includes with whom the children spend their time, she said.

The coalition offers support for parents being sued for visitation rights.

"We're speaking of good parents that love their children and want the best for them," she said.

Divorce sets stage

Victor said most cases arise as a result of a messy divorce or when one parent dies and the surviving parent did not have a good relationship with the in-laws. In the Teichows' case, it was a divorce, and divorces don't get much messier.

Connie and Del Teichow's son, Tim, is serving a 10- to 40-year prison sentence after being convicted of two counts of criminal sexual conduct against another adult "relation," according to the Michigan Department of Corrections Web site.

Connie Teichow in May was sentenced to pay \$60 in fines and costs and \$130 in restitution with a 93-day suspended sentence for assault stemming from an altercation with Sullenger, Michelle Teichow's lawyer.

Tim Teichow's conviction is being appealed. Connie and Del Teichow believe in their son's innocence, but that is beside the point, they said.

"It doesn't matter," Connie Teichow said. "The bottom line is we want to see our grandchildren.

"I could see it if we were drug abusers or alcoholics, but we don't do those things."

Even when grandparents are awarded visitation, there's no guarantee it will work out the way the courts intend. Harris and Mary Lou Jerrett of Port Huron in 1998 were awarded visitation rights in a bitter custody battle involving their granddaughter.

Today they have a good relationship with the girl's father, Andrew Bailey, and are able to see her regularly, but for a while "it got real nasty," Mary Lou Jerrett said.

Custody was awarded to the father while the mother - the Jerretts' daughter, Laura - was serving a three-to-15-year sentence for hiring a hit man to kill him. Bailey moved his daughter and wife, Holly Bailey, to Las Vegas. Although the Jerretts had visitation rights, they said they spent tens of thousands of dollars on detectives and lawyers to fight for those rights.

'It's always messy'

"Even though we had a judge's order, there's definitely a bias against grandparents," Harris Jerrett said.

He recalled one meeting where a worker in the Friend of the Court office told them: "See that filing cabinet there? That's full of grandparents like you. They don't have any rights, and you don't have any rights."

Mary Lou Jerrett said they have no idea whether the new law would have been any help.

"You're at the mercy of the judicial system, no matter what laws you have" on the books, she said. "It's good they have the law. Hopefully at least half the time it will work the way it's supposed to."

Michigan's old law was struck down as the result of a 2000 U. S. Supreme Court case that found parental rights took precedent over grandparent's rights. Grandparents Rights Organization began pushing for a new set of laws nationwide to meet the constitutional requirements.

Under Michigan's new law, "The grandparent has the burden of proving that the parent's decision not to allow that visitation is detrimental to the child's health, welfare and mental well-being," Brown said, "and that's a pretty tough standard."

Parties on both sides of the grandparents rights issue seem able to agree on one thing: If possible, disagreements between parents and grandparents should be worked out without resorting to lawsuits, for the sake of the children.

"These are very stressful cases, and they immediately ratchet up the hostility," said Karen Wyle, an Indiana lawyer who has filed briefs on behalf of the Coalition for the Restoration of Parental Rights. "Everyone will be fighting about every aspect of it for years.

"It's always messy. It's always complicated."

Contact Bill Chapin at (810) 989-0741 or bchapin@gannett.com. Angela Mullins contributed to this story.

Originally published August 22, 2005

Police still seek clues in 'cart man' slaying

Monday, August 22, 2005

By Jeff Alexander CHRONICLE STAFF WRITER

Residents of a Muskegon neighborhood where a homeless man was murdered over the weekend are outraged and "in shock," according to a local pastor who knew the victim.

But those strong feelings haven't helped police, who say they're still seeking clues and a motive to the slaying.

Wilmer Martin, who was known as the "shopping cart man" to many in the neighborhoods along Apple Avenue and Getty Street, was found dead at 9:30 a.m. Saturday in the 900 block of Spring Street. Martin, 48, had been stabbed in the chest, authorities said.

Funeral arrangements were incomplete this morning. An autopsy was planned to determine the cause of death, authorities said.

"A lot of people are in an uproar over this, they're in shock," said Pastor Jeffery Hough of Angel Community Church on Ada Avenue.

Hough, who knew Martin and occasionally took him to breakfast, said people who were familiar with him are bewildered about why anyone would harm a man who spent much of his time walking the area with his shopping cart.

"People figure that if this can happen to Wilmer, who is safe?" Hough said. "He was a harmless guy who never raised a hand to anyone."

Hough said several people talked to him in church or called him on the telephone Sunday to express outrage over the incident and to offer help organizing some type of memorial service.

Nothing has been planned yet, but Hough said he expects there will be some kind of event, in addition to a funeral, honoring Martin.

Muskegon Police detectives are still investigating the incident. They are asking anyone who saw Martin Friday or early Saturday morning to call police at 911, or at 724-6750 during business hours.

Hough said he believes people are stunned by the murder of Martin because he was a "recognizable figure" in the community. Martin was known to share what few material possessions he had with others in need, and often told humorous stories to people who took the time to talk to him.

"He's been pushing that cart around for so many years, most people around here have seen him," Hough said. "He was a gentle, nice guy who did a lot of good."

Sunday, August 21,
2005

First Person

**Priceless gift
from a
homeless
stranger
Bedraggled
man reminds
his new
friend that it
is what's
inside that
really counts.**

By Lisa Anderson

"How are you?" "Fine"

"Where you going?" "Nowhere really."

"We have something in common."

"I'm a little hungry." "Me too."

"We have something else in common."

This could have been a conversation with any stranger you meet on the street, but it turned out to be a long-remembered encounter for me.

I had boarded a plane headed for San Antonio, Texas, for another conference. I sat between several headed to the same conference and we chatted the entire flight from Detroit about our chosen profession and the numerous changes and challenges. They asked me to join them for dinner.

I declined, thinking a relaxing evening would be a nice break.

After arriving at the hotel, I decided to take a short evening walk and grab a quick dinner. Heading out with a map, \$30 and a Visa card, I found my way to the Alamo.

I sat there just staring, thinking of all of the history.

As I was leaving, a stranger approached. "Hello, how are you?" I asked. He must have been in his early 60s with graying long hair, and was obviously not very well-groomed.

We sat in front of the Alamo and talked for at least an hour. He had a softness in his voice. As we watched people walking by, he said to me several times, "we have something in common."

After finding out he was hungry, too, I offered to buy him dinner. I told him to choose where he wanted to go. "Baskin-Robbins is right there," he said, "and I would like an ice cream cone." Being in the health care field and not knowing when this gentleman last had a healthy meal, I suggested we get something different. He reminded me that I had given him a choice.

As we waited in line at the ice cream shop, I noticed several small children holding their noses while tugging on their parents' clothing. I wondered if he noticed the glances.

Two scoops of plain vanilla ice cream on a regular cone put a smile on his face that I will never forget. He told of the people he had watched coming out of Baskin-Robbins every day and how he wondered what it would be like to get an ice cream of his own.

Finally, it was time for me to go.

"I will be here in the same place tomorrow night if you want to come by for a chat," he offered.

I left thinking there was no way that time would allow that. Yet, while in the conference the next day, my mind kept wandering back. Where is he now, what is he doing?

At the end of the session, I headed directly to where we had first met. He was sitting in the same place. As I handed him one of the two packs of cheese and crackers I had in my pocket, he began telling me of "life on the street." He told me that he had "lost" his family. He talked for more than an hour.

Again, I offered him dinner, my treat, but I asked if I could choose the place. We ended up at a little diner not far from the Alamo.

As he scarfed down his mashed potatoes, I noticed all the pointing and staring. I guess we did look like an "odd couple." I really did not care. I only wished these people could hear what I heard, see the caring and genuine concern he had for his city, country and life itself.

I thought back to our walk to the ice cream store, watching him pick up every piece of paper on the ground and put it in the trash.

I asked if he had an address, so that I could mail a letter occasionally, or even a care package. He said he didn't. I offered him a small amount of cash, and he declined.

The rest of my trip was occupied by classes and networking. My mind kept wandering back to him and how wrong my first impressions had been.

Initially, I had wanted to help him. But he might have helped me the most.

A year and a half later, Lisa Anderson of Royal Oak, director of rehabilitation for Trinity Home Health Ser

Drug dealers, child support offenders will pay

Sunday, August 21, 2005

CATHY HENG FOR THE SAGINAW NEWS

MIDLAND -- The Midland County prosecutor's office is launching three initiatives to help collect debts.

A strong drug forfeiture policy, stepped-up child support collection enforcement and a nonsufficient funds check education course already are reaping benefits, said Prosecutor Michael Carpenter.

"My message is simple: If you deal drugs in Midland County, you will pay with prison or jail time, your money, your house and your automobile," he said.

"In child support, I directed the child support specialist to send letters to the largest offenders to pay or be charged with a felony. The NSF check program will help people pay their debts to avoid embarrassment."

The efforts follow a change in office procedures where Carpenter has assigned each case to a single attorney to follow through the legal system.

"Each attorney screens his or her files, prepares pleas and attempts to resolve cases as well as answer questions as the case proceeds," Carpenter said.

Under the drug forfeiture plan, the county already has secured a legal interest in a 70-acre farm, and he expects to see other forfeiture claims settled shortly through plea agreements, Carpenter said.

Child support collection

Since the county started sending letters for child collection enforcement, Carpenter said it has collected \$27,000 in back child support.

An agreement between the county and Seisint Corp. via Lexis/Nexis Internet systems will allow asset background searches for collecting delinquent child support payments.

Policy Disconnect

In Aid for the Poor, Hotter States Get The Cold Shoulder

Federal Help for Electric Bills
Favors Northeast, Midwest;
Uncle Paul Sweats It Out

Phoenix Averages 97 Degrees

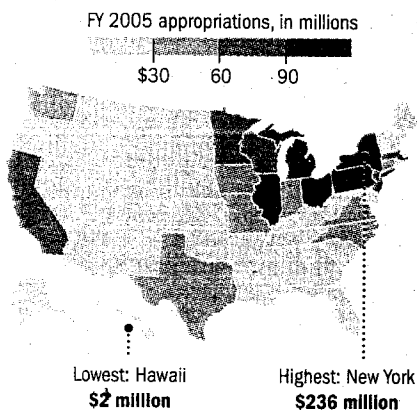
By REBECCA SMITH

PHOENIX—Last month, the utility Arizona Public Service Co. shut off the power at the apartment of Janice Cook and Rick Adams after they failed to pay a \$267 electricity bill. As temperatures soared above 100 degrees day after day, Ms. Cook, Mr. Adams and Ms. Cook's two teenagers spent eight days with no fans, lights or air conditioner. Food spoiled in the refrigerator as they fretted about being evicted onto broiling streets, where many homeless people have died this summer.

"You can't sleep, it's so hot, and you can't do anything because you feel sick. I didn't eat for five days. My kids didn't

Chill Factor

States with cold winters receive the most money from a federal program that helps poor people cover their electric bills.



Source: National Energy Assistance Directors' Association

THE WALL STREET JOURNAL.

THURSDAY, AUGUST 18, 2005

eat for three days," says Ms. Cook. The couple is unemployed; Mr. Adams says he recently lost his job at a credit-card collections center.

The couple finally got the power switched back on with the help of a federal program called the Low Income Home Energy Assistance Program. But they're among the lucky few in hotter states. The \$1.8 billion program distributes money to states based on how cold they get. Arizona receives just \$7.7 million because the state rarely experiences frigid temperatures except at higher elevations.

The program is just one example of how federal and state policies are focused on health risks posed by extreme cold, despite evidence that heat waves pose an equal or greater threat to public health. While 20 states have laws that prohibit utilities from shutting off electricity during the coldest weather, no state has a comparable law to protect people during summer's hottest days. Rising energy prices mean more households are in danger of shutoffs.

The National Weather Service says extreme heat was the biggest weather-related killer in the U.S. from 1994 to 2003, beating out winter storms, extreme cold, floods, hurricanes, tornadoes and lightning. In Europe, a heat wave in August 2003 caused 35,000 deaths, according to the Earth Policy Institute, an environmental think tank. After that disaster, politicians in France faced intense criticism that they had mishandled the crisis.

In Chicago in 1995, more than 650 people died during extended high heat. One would have to go back to before the days of central heating to find a case when extreme cold killed that many people in the U.S., says Laurence Kalkstein, senior fellow at the Center for Climatic Research at the University of Delaware. Mr. Kalkstein is participating in a National Weather Service project to add dozens of cities to the service's heat-warning system.

Tallies of heat deaths aren't perfect because it can be difficult to classify whether a fatality is the result of poor health or ex-

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Hot States Get the Cold Shoulder

Continued From First Page

treme weather. While estimates vary widely, Mr. Kalkstein believes that heat kills about 1,500 people in an average year in the U.S., often through heat-induced strokes and heart attacks.

Nonetheless, the federal energy-assistance program spends most of its \$1.8 billion on cold-weather states. In 2004, New York got \$236 million, more than the combined total for California, Texas and nine other Southern and Western states. In Arizona, 6% of poor households got help last year and each received \$208 on average. In Massachusetts, a quarter of poor households got help, receiving an average of \$544.

Adding to the bias: The formula to divide money is based on the 1980 census, and thus fails to capture a population shift to the South and West over the past quarter century. Arizona's population has doubled since 1980 and Phoenix is soon to become America's fifth-largest city in population, passing Philadelphia.

Phoenix is used to scorching weather. But the Valley of the Sun has suffered even more than usual this summer, causing some to call it the Surface of the Sun. The average temperature in July was 97.3 degrees, near the record of 97.7 degrees set in 2003. That compares with an average of 82.7 degrees in New York during the first half of August, when the city was going through an unusual heat wave.

Fran Boland, a 42-year-old woman with multiple sclerosis, says she recently refused her landlord's offer to install an air conditioner at her duplex in Phoenix because "I knew I couldn't afford the electricity." In her neighborhood, she says, it's a common sight to see extension cords snaking between houses to keep the lights on. According to Ms. Boland, instead of asking to borrow a cup of sugar people are apt to say, "Can I borrow a little electricity?"

NYSE-Listed Utility

The Phoenix area is served by two big utilities: One, Arizona Public Service, or APS, is the largest subsidiary of Pinnacle West Capital Corp., a power company whose shares are listed on the New York Stock Exchange. The other is the state-owned Salt River Project, which started as a water district around the turn of the 20th century and later branched out into electric power.

Arizona state law generally allows utilities to craft disconnection policies as they see fit. Arizona's state utility regulator doesn't compile disconnection data, but the companies' own figures suggest they cut off customers at a similar rate. In the year ended June 30, 2005, APS disconnected accounts on 42,000 separate occasions, compared with 35,000 disconnections by Salt River Project. APS has more accounts: one million compared with 866,000 at Salt River Project.

APS says it uses proprietary software to determine if "unhealthy conditions" would result from shutoffs. It has

abstained from shutoffs six days so far this year, compared with four days for all of 2004.

To help those with chronic payment difficulties, Salt River Project offers a prepaid service under which customers get new meters that accept cards with stored value. A control panel shows how much electricity they're consuming and how many dollars worth of power they have left on their cards. When the dollars run out, the flow of electricity stops until a fresh card is inserted. Salt River Project now has 34,000 prepaid accounts, the most of any U.S. utility. Customers on prepaid service use 13% less electricity on average. That is likely because the cards encourage them to ration consumption and because some go without power for stretches.

"We see it as a way to keep power on, not collect more money from customers," says Michael Lowe, manager of customer relations for Salt River Project. Nonetheless, he says the idea has helped reduce the amount of unpaid bills the utility must try to collect.

Confused Customers

APS doesn't show its rate per kilowatt-hour on its electricity bills, leaving some customers confused. Shirley Mason says her family was unable to pay a \$700 utility bill after her husband lost his job at a food warehouse. She said she didn't know until they were threatened with disconnection that the daytime rate they were paying was three times as high as the nighttime rate. Alan Bunnell, an APS spokesman, says focus-group participants told the utility they were more interested in seeing energy costs per day.

The federal Low Income Home Energy Assistance Program dates to 1981, an era of anxiety about rising energy costs. Congress created the program after a push by legislators from the Midwest and Northeast who worried about people freezing to death in their homes. In 1986, Bennett Johnston, a Democratic senator from Louisiana, called for a change to the distribution formula to help Southern states. He wasn't successful in changing the formula, but did win agreement that a supplemental formula would take effect, helping hotter states, if the program budget surpassed \$1.975 billion.

That hasn't happened since 1986. Funding peaked at \$2 billion in 1985 and fell as low as \$1 billion in 1996 as the program was targeted by fiscal conservatives. In fiscal year 2005, spending is budgeted at \$1.8 billion.

The Northeast-Midwest coalitions in both the House and Senate have been trying to drum up wider support for the program since the late 1990s. "Nobody thought we'd be stuck at this funding level forever," says Mark Wolfe, head of the National Energy Assistance Directors' Association, which represents the program's administrators. But only a handful of legislators from the West and

South have agitated for more funding.

Arizona's two U.S. senators, Republicans John McCain and Jon Kyl, have been "pretty much silent" on the issue, says Cynthia Zwick, executive director of Arizona Community Action Association, which supports poverty agencies and organizations.

Scott Montrey, a spokesman for Mr. Kyl, said the energy-assistance program hasn't warranted special attention from his boss. "If we were getting calls from a lot of sweaty people, it might be different," he said. A spokeswoman for Mr. McCain said he was in Alaska and unavailable for comment.

Daily Visits

Meanwhile, Norma Canez checks on her 83-year-old uncle, Paul Gurulee, twice a day to see how he's managing. Mr. Gurulee, a retired farm worker who lives across from cotton fields in Coolidge, Ariz., makes do on about \$500 a month. His dilapidated home needs a new roof, windows, plumbing, and just about everything else. On most summer days, he just wears shorts, though he puts on a shirt when company arrives.

Mrs. Canez turns on the air conditioner she gave her uncle when she walks through the door each day. "I can't take more than 15 minutes," she says, because it's so hot. "I say, 'Uncle, I gotta go now.'" On the way out, she switches off the air conditioner because he complains he can't afford the electricity. She'd like to help him with his utility bill, but she's already helping support her 84-year-old mother, Mr. Gurulee's sister.

"You hear about people dying in this heat," Mrs. Canez says, and her voice trails off. "Well, that's why I check on him twice a day."

Domestic Violence Stirs Debate in Race for Prosecutor

By LESLIE EATON
The New York Times

Published: August 21, 2005

When Leslie Crocker Snyder criticizes the man she hopes to replace as Manhattan district attorney, Robert M. Morgenthau, she describes him as stuck in his ways, hostile to innovation, out of touch with new trends. And Exhibit "A" in her indictment is the way his office handles domestic violence.

She says that because of what she calls his reluctance to embrace new ideas, Manhattan is the only borough without a special court to handle the most serious cases of domestic violence, a court that would provide special services to victims and extra monitoring to batterers. And unlike prosecutors' offices in Brooklyn and Queens, both of which have been hailed for their innovative approaches, the Manhattan district attorney's office does not have a special bureau with prosecutors who handle only domestic violence cases, notes Ms. Snyder, a longtime state judge and former prosecutor.

In addition, because his office refuses to learn from the successes of others, she says, more than half of its domestic violence cases are dismissed by judges, while in Queens, the prosecutor's office has cut its dismissal rate down to a bit over 20 percent.

"My overall point would be that he's really out of touch, and domestic violence shows it," Ms. Snyder, who is running against Mr. Morgenthau for the Democratic nomination, says of Mr. Morgenthau, who has been in office for three decades.

In response, Mr. Morgenthau's staff said that the office devoted a lot of time and effort to domestic violence cases, in a way that is efficient and effective. "Frankly, I think we do a good job," said James M. Kindler, the chief assistant district attorney.

As for the office's dismissal rate, Mr. Kindler attributes it to the fact that his office tries to prosecute almost everyone arrested in a domestic violence incident and turns down the fewest number of cases in the city,

even if the victim does not cooperate. Such cases may not end in a conviction, but while they continue, victims can get orders of protection and other help, he said.

Behind the charges and countercharges inherent in any campaign, the dispute reflects the increasingly complex reality of a prosecutor's job. As felony arrests have plunged and many citizens are no longer worried about crack gangs and drive-by shootings, conviction rates are no longer the major measure of success. Instead, prosecutors are now being judged in significant part on things like how they handle social problems like drug abuse and how sensitively they deal with crime victims.

Domestic violence, once not even considered a crime, has been an increasing focus of district attorneys over the last 15 years. But these cases are often difficult to prosecute, in large part because victims frequently refuse to cooperate.

"For a prosecutor to create a thoughtful approach to domestic violence is very labor intensive, very costly, very slow-moving," said Lisa C. Smith, a professor at Brooklyn Law School and a former assistant district attorney in Brooklyn.

And there remains debate about the best way to approach these cases, about whether the chief goal of prosecution should be punishment or deterrence, about whether batterers can be treated, and about what role a victim's wishes should play in prosecuting domestic violence.

"There is broad agreement that this is a problem, that we need to address it, and we need to address it aggressively," said Linda G. Mills, a professor of social work at New York University and a critic of some prosecutorial efforts. But when anyone tries to move from the broad agreement to specific approaches, she continued, "it becomes jelly."

Not surprisingly, then, prosecutors in each of the city's four large boroughs handle domestic violence cases differently.

The approach advocated by Ms. Snyder - specialized courts, specialized prosecutors, specialized counselors for victims and aggressive prosecutions - is in many ways similar to what is done by the Queens district attorney, Richard A. Brown.

A staff of 15 lawyers work on only these cases, said Scott E. Kessler, chief of the Queens domestic violence bureau.

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The office has a system that allows prosecutors to contact victims quickly and directly after an arrest is made. It has also been in the forefront of using technology to gather evidence so that it can proceed with prosecutions even without the victim's participation.

"We do a lot of victimless trials," Mr. Kessler said, adding that his office also declines to prosecute very few cases.

A 2000 study done for the Justice Department said the Queens program would be an excellent one for other jurisdictions to emulate, and credited it with increasing the conviction rate.

Last year, Queens appears to have had the highest conviction rate in the city, with almost half of the 5,000 cases it handled resulting in a conviction or guilty plea, according to the Office of Court Administration. The Brooklyn district attorney's office is also known as a national leader in handling domestic violence cases; its strong emphasis on the needs of victims helps explain why it is lauded by many advocates for the victims of domestic violence.

The Brooklyn domestic violence bureau has 23 lawyers, who are paired up with counselors who specialize in domestic violence, said Wanda Lucibello, chief of the office's special victims division.

"The ultimate goal is, I want to keep that person safe," she said of domestic violence victims, adding that working with them is far more complicated than dealing with most other crime victims, in part because they are likely to be victimized again, by the same person.

In contrast, she said, "When you have a robbery victim, it's a one-incident thing, and all you need to do is prepare that person to testify."

With the backing of Charles J. Hynes, its district attorney, Brooklyn was the site of the city's first felony domestic violence court, which opened in 1996. It is also the site of the nation's first Family Justice Center, where victims of domestic violence can meet with prosecutors, counselors, and representatives from city and private social service agencies. It is the first of about 15 centers around the country financed in part by a grant from the

Justice Department, and is dedicated to Mr. Hynes's mother, who he said was a victim of domestic violence by his father.

Brooklyn also has a policy of trying to prosecute almost all domestic violence arrests - it handled more than 8,300 cases last year-even though many of those cases end up being dismissed. But while convictions are important, Mr. Hynes, who is also running for re-election, said in an interview, "they are not the measure of success. The measure is prevention, the measure is survival."

The Manhattan district attorney's office also stresses its commitment to combating domestic violence, but its office is set up quite differently. About 120 prosecutors are trained in domestic violence prosecutions, and they are spread among the six bureaus that take turns handling all the complaints that come in over the course of a day. Although these assistants may also handle other kinds of cases, they are supervised by the Family Violence and Child Abuse Bureau.

Ann Donnelly, who runs the bureau, said that prosecutions were better when the assistant district attorneys have broad experience to draw on.

"There's no value in focusing solely on one thing," she said.

The office's social workers also handle other kinds of victims, although about half their cases involve domestic violence, Mr. Kindler said.

The office also likes judges who handle a wide variety of cases, said Mr. Kindler, the chief assistant district attorney, which helps explain its lack of enthusiasm for specialized courts. "We haven't done them just to have done them," he said.

Many lawyers believe that is why Manhattan was the last borough to get a domestic violence court of any kind, and still does not have one that handles felonies, the most serious cases. "The numbers are smaller," Mr. Kindler said of the felony cases. "We don't perceive an administrative need."

There were 926 felony domestic violence arraignments in Manhattan last year, and 3,572 misdemeanor arraignments, according to court records. Asked why Manhattan does not have a court for felony domestic violence cases, David Bookstaver, the spokesman for the Office of Court Administration, declined to comment.

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Advocates for victims, as well as lawyers who must work closely with prosecutors' offices, are reluctant to say anything that might offend or annoy the district attorneys, or to suggest that they favor one office over another. But privately, some say that they prefer more-specialized programs, where the prosecutors can focus more on the latest developments in domestic violence and are perhaps more committed to the work.

Many also believe victims get better treatment in specialized courts, where the judges are knowledgeable - though lawyers representing defendants in those courts complain their clients are presumed by the judges to be guilty. But Julie A. Domonkos, a well-known advocate and executive director of My Sister's Place, in Westchester, said she thought that the Manhattan district attorney's office "has done a very good job." While Brooklyn has been a leader in working with victims, she said, Manhattan has also done good work in that area and also in victimless prosecutions.

The Bronx district attorney's office would not make anyone available to discuss its approach. But statistics and studies suggest - and those working in the field confirm - that it will not pursue cases in which the victim refuses to sign a complaint. As a result, it has traditionally had lower dismissal rate than Brooklyn and Manhattan and a higher conviction rate than either, according to studies by the New York City Criminal Justice Agency. (Queens was not included in these studies because of data problems.)

The Bronx also has the city's first "integrated domestic violence" court, in which a family sees one judge who can deal with matters normally split among Criminal Court, Family Court and State Supreme Court (which handles divorces).

The Manhattan district attorney's office says it, too, has been involved in new programs, particularly at its Northern Manhattan office, where about 70 percent of the cases involve domestic violence, Mr. Kindler said. "Most of the staff there is bilingual," he added. "You want to talk about innovation, talk about that."

But Ms. Snyder contends that it has been a long time since Mr. Morgenthau has done anything groundbreaking in this area. "Maybe 15 years ago, he did something," she said.

The Jackson Citizen Patriot

Sunday, August 21, 2005

• **IN BRIEF**

Domestic Harmony, a shelter in Hillsdale for victims of domestic and sexual violence, has scheduled volunteer training for Sept. 13, 20 and 27. Sessions will run from 5:30 to 9:30 p.m. at the Hillsdale Community Library. For more information or to register for the training, call Julia Denig at (888) 439-1454 or (517) 439-1454.

It's time to wrap up work on next year's state budget

Plans for spending new money should be shelved

The Detroit News Editorial
Saturday, August 20, 2005

Perhaps it's a little early to worry, but the state's new budget year begins in about five weeks -- and there's no state budget for the new year. It's time to finish up.

The governor, state House and state Senate have all produced their own proposed budgets, but the competing proposals haven't been reconciled.

Legislative leaders all say there's time yet, but the last thing the state needs is for some kind of government logjam as the new budget year begins on Oct. 1.

Rep. Scott Hummel, R-DeWitt, chairman of the House Appropriations Committee, concedes that it's a little unusual for both houses of the Legislature as well as the governor to each produce their own budgets. But he says lawmakers from both chambers of the Legislature are meeting with members of the governor's staff to hammer out differences.

While all of the proposed budgets are in the vicinity of \$40 billion, the governor's budget calls for more fee increases than lawmakers would prefer, while legislators have opted for greater spending cuts. The governor has called the cuts unacceptable.

And while representatives from all three sides of the budget debate are meeting, no conference committee with representatives and senators has been appointed to adopt a single legislative budget so lawmakers can present a united front to the governor.

The risk here is that as the deadline nears and there is a scramble to adopt a budget, there will be a temptation to take the easy way out, forgo needed cuts and raise spending. Legislative and administrative economists are forecasting additional revenue of \$136 million over the current and new budget years, and the battle is on among lawmakers, the governor and various interest groups to get a piece of the new money.

At the same time, however, last month's unemployment rate jumped to 7 percent from 6.8 percent and is expected by the state's economists to be the same or worse next year. And the 10-year trend for the state's main business tax revenue is a decline of 14 percent.

Given this picture, lawmakers should not be spending money that may not materialize and should concentrate on producing a single state budget to present to the governor.

"Do I wish we had completed a budget in July? Yes. It's good that we have deadlines," Hummel says. He's right. And he's done good work so far. But the deadline is fast approaching.